

Court of Appeals, State of Michigan

ORDER

People of MI v Todd James Wolschleger

Docket No. 301429

LC No. 09-004722-FH

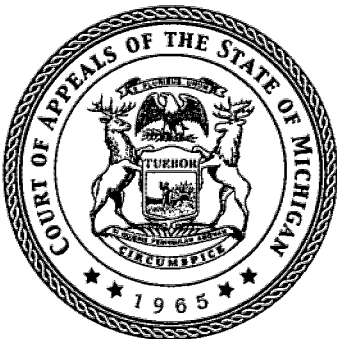
Brian K. Zahra
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the July 12, 2010, order of the Huron County Circuit Court, which denied defendant's post-judgment motion to correct the sentence, is REVERSED. The \$35 DNA assessment is not direct "financial harm as a result of a crime," but rather is an expense that applies to all criminal matters. See *People v Newton*, 257 Mich App 61, 68-70; 665 NW2d 504 (2004). Accordingly, condition 15 contained in the December 8, 2009, order of probation, which directs defendant to pay \$35 to the Huron County Sheriff's Department for DNA collection, is VACATED.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 14 2011

Date

Sandra Schultz Mengel
Chief Clerk